

GAHC010073642023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/1354/2023

BIREN KALITA
S/O LATE SURENDRA KALITA,
R/O H/NO. 5, SANTIPUR HILL SIDE,
P.S.- BHARALUMUKH, DIST.- KAMRUP (M), ASSAM.

VERSUS

RASHMI PERIWAL (RATHI) AND ANR.
W/O RAKESH PERIWAL,
C/O RAJEN THAKURIA OF VILLAGE SANTIPUR, J.P. AGARWALA ROAD, 1ST
BYE LANE, P.S.-BHARALUMUKH, DIST.- KAMRUP (M), ASSAM, PIN- 781009.

2:ORIENTAL INSURANCE CO. LTD.
HAVING ITS REGIONAL OFFICE AT ULUBARI
DIST.- KAMRUP (M)
ASSAM
PIN- 781007. (REP. BY ITS CHIEF REGINAL MANAGER)

Advocate for the Petitioner : MR D MONDAL

Advocate for the Respondent : MR. S DUTTA (R-2)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

21.06.2024

Heard Shri D. Mondal, learned counsel for the applicant, who by means of

this application has prayed for condonation of delay of 71 days in preferring the appeal against the judgment and award dated 19.10.2022 passed by the learned Member, Motor Accident Claims Tribunal No. 3. Kamrup (M) in MAC Case No. 253/2017.

2. The learned counsel for the applicant, by referring to the averment made in paragraph 2 of the petition has submitted that there were sufficient grounds for which the applicant was prevented from filing the appeal within the prescribed period of limitation. Amongst the ground cited, it is submitted that the applicant having difficulties with weakness in his right leg.

3. Also heard Shri S. Dutta, learned counsel for the respondent no. 2 – Insurance Company, who submits that on principle he may not have a serious objection. However, he submits that he has serious issues with regard to the prayer made in the appeal for enhancement, for which he would advance his arguments at the time of consideration of the appeal.

4. Considering the rival submissions and taking into account the settled law on the aspect of condonation of delay wherein a justice oriented and pragmatic approach is required, the delay of 71 days in preferring the appeal is condoned.

5. The application accordingly stands allowed.

JUDGE

Comparing Assistant